

REGULAR MEETING-MANSFIELD TOWN COUNCIL

August 24, 2009

Mayor Elizabeth Paterson called the regular meeting of the Mansfield Town Council to order at 7:30 p.m. in the Council Chambers of the Audrey P. Beck Building.

I. ROLL CALL

Present: Haddad, Koehn, Lindsey, Nesbitt, Paterson, Paulhus

Excused: Clouette, Duffy, Schaefer

II. APPROVAL OF MINUTES

Mr. Haddad moved and Mr. Paulhus seconded to approve the minutes of the August 10, 2009 meeting as presented. Motion passed unanimously.

III. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

David Freudmann, Eastwood Road, presented a statement (attached) in which he reviewed financing issues for the Storrs Center Project and expressed his concerns regarding the process.

Betty Wassmundt, Old Turnpike Road, commented that someone should be held responsible for allowing the open space bonding authorization to expire.

Jim Morrow, resident of Hanks Hill Road and Chair of the Open Space Committee, speaking for himself, explained the bond expired because the open space purchases did not require the issuance of bonds. The projects were funded from other sources.

Ric Hossack, Middle Turnpike, conveyed his appreciation for the list of Town-owned properties and asked the Council to lower his taxes for next year.

Mr. Haddad moved and Mr. Nesbitt seconded to move Item 5, Probate Court Consolidation, as the next item of business. Motion passed unanimously.

IV. TOWN MANAGER'S REPORT

Report attached.

Ms. Koehn asked if the Town would provide information as to where residents could purchase large recycling barrels. The Director of Public Works will do so.

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Mayor Paterson reminded the public that the Festival on the Green is still looking for volunteers and that the parade will be bigger and better than ever.

Town Manager Matt Hart informed Council members that he will not be in attendance at the September 14th meeting as that is the week of the ICMA conference.

Responding to earlier questions from the public the Town Manager assured all that the Town is negotiating with Leyland Alliance from a position of strength and that no agreement would be presented to the Council and the public that is not in the best interest of the Town.

Mr. Haddad moved and Mr. Nesbitt seconded to move Item #6, Bond Issue- Land Acquisition, as the next item of business. The motion passed unanimously.

V. OLD BUSINESS

1. Community/Campus Relations

Town Manager Matt Hart reminded members that UConn students will return to school this weekend and reviewed some of the steps that have been taken by the Town and University, including scheduling meetings with the owners and tenants of single-family homes who have proved to be problematic in the past.

Mayor Paterson thanked Fire Marshal John Jackman for the statistics he was able to provide to the Town/University Relations Committee regarding the cost of student partying to the Town. This information will be beneficial to the Committee as they begin to prepare their report for the Board of Trustees. The Mayor commented they are also trying to get the high school involved in the discussion.

2. Community Water and Wastewater Issues

Mr. Nesbitt reported the Four Corners Sewer Advisory Committee would be meeting on August 27th at which meeting Town Planner Greg Padick will present information.

3. UConn Landfill, Long-term Monitoring Program

Ms. Koehn requested a map be provided showing the location of the UConn landfill monitoring wells and, if possible, showing recent trends as to which wells have been shown to exceed their allowances

of certain chemicals. The Town Manager will review the materials available.

4. Planning, Acquisition and Management Guidelines for Mansfield Open Space

Mr. Paulhus moved and Mr. Nesbitt seconded, effective August 24, 2009, to approve the 2009 update of the Planning, Acquisition and Management Guidelines for Mansfield Open Space, Park, Recreation Agricultural Properties and Conservation Easements.

Director of Parks and Recreation Curt Vincente and Director of Planning Greg Padick informed Council members that the suggestions from the Council's previous discussion on this item were incorporated into the current draft text. In response to suggestions by members staff will make the requested formatting changes and add the following to the last line in Section II.B.1. "...including anticipated maintenance and improvement cost." Mr. Padick explained the current process for acceptance of PZC approved open space/conservation easement acquisitions and the one outlined in the draft, which will include additional opportunities for Town Council input prior to Town Manager acceptance of the land. Staff will review the language explaining this process to see if it can be clarified.

Motion to approve with revisions passed unanimously.

Mr. Nesbitt moved and Mr. Paulhus seconded to add to the agenda as Item #12a a discussion of an analysis of open space. Motion passed unanimously.

VI. NEW BUSINESS

5. Presentation: Probate Court Consolidation

Claire Twerdy, Probate Judge for the Towns of Mansfield and Coventry, updated the Council on the consolidation plan now under discussion in the Districting Commission established by the legislature to look at the Probate System. The plan offered by the Probate Assembly calls for the Towns of Mansfield, Coventry, Tolland and Willington to merge. Judge Twerdy commented that once the District is established it will be up to the Towns to determine the location of the court. She urged consideration be given to maintaining the court in Mansfield since the location is

easily accessible to Natchaug Hospital and the Windham Children's Court.

6. Bond Issue – Land Acquisition

Mr. Haddad moved and Mr. Paulhus seconded to approve the resolutions as follows:

RESOLUTION APPROPRIATING \$1,052,450 FOR ACQUISITION OF LAND OR INTERESTS THEREIN FOR OPEN SPACE, MUNICIPAL, OR PASSIVE OR ACTIVE RECREATIONAL USES, AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate ONE MILLION FIVE-TWO THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$1,052,450) for costs related to the acquisition by the Town of one or more parcels of land or interests therein for open space, municipal, or passive or active recreational uses, or any combination thereof, after referral of any such proposed acquisition to the Planning and Zoning Commission of the Town for review pursuant to Section 8-24 of the Connecticut General Statutes, Revision of 1958, as amended, and approval by the Town Council following a public hearing held on not less than five days' published notice. The appropriation may be spent for survey fees, feasibility and planning studies related to potential acquisitions, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

(b) That the Town issue its bonds or notes, in an amount not to exceed ONE MILLION FIVE-TWO THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$1,052,450) to finance the appropriation for the project. The amount of bonds or notes authorized shall be reduced by the amount of grants received by the Town for the project to the extent that such grants are not separately appropriated to pay additional project costs. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(c) That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed ONE MILLION FIVE-TWO THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$1,052,450). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be

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secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes or temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or temporary notes. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds, notes or temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or temporary notes to provide for the keeping of a record of the bonds, notes or temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or temporary notes; to sell the bonds, notes or temporary notes at public or private sale; to deliver the bonds, notes or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or temporary notes.

(e) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(f) That the Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or temporary notes authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes or temporary notes.

(g) That the Town Manager, the Director of Finance, the Treasurer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the acquisitions and to issue

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bonds or notes and temporary notes and obtain grants, if available, to finance the aforesaid appropriation.

RESOLUTION ESTABLISHING REFERENDUM ON ACQUISITION OF LAND FOR OPEN SPACE, MUNICIPAL, OR PASSIVE OR ACTIVE RECREATIONAL USES.

RESOLVED,

(a) That pursuant to Sections 406 and 407 of the Town Charter the resolution adopted by the Council under Item 6 of this meeting, appropriating \$1,052,450 for acquisition of land or interests therein for open space, municipal, or passive or active recreational uses and authorizing the issue of bonds and notes and temporary notes to finance the appropriation, shall be submitted to the voters at referendum to be held on Tuesday, November 3, 2009 in conjunction with the election to be held on that date, in the manner provided by said Charter and the Connecticut General Statutes, Revision of 1958, as amended, including the procedures set out in Section 9-369d(b)(2) of said Statutes, and in accordance with "Ordinance Regarding the Right of Voters Who Are Not Electors to Vote at Referenda Held in Conjunction with an Election", adopted by the Mansfield Town Council on August 25, 1997.

(b) That the aforesaid resolution shall be placed upon the paper ballots or voting machines under the following heading:

"SHALL THE TOWN OF MANSFIELD APPROPRIATE \$1,052,450 FOR ACQUISITION OF LAND OR INTERESTS THEREIN FOR OPEN SPACE, MUNICIPAL, OR PASSIVE OR ACTIVE RECREATIONAL USES, AND AUTHORIZE THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION?"

Voters approving the resolution will vote "Yes" and those opposing said resolution shall vote "No".

(c) That the Town Clerk shall publish notice of such referendum vote as part of the notice of the election to be held on November 3, 2009. Absentee ballots will be available from the Town Clerk's office.

(d) That, in their discretion, the Town Clerk is authorized to prepare a concise explanatory text regarding the resolution and the Town Manager is authorized to prepare additional explanatory materials regarding the resolution, such text and explanatory material to be subject to the approval of the Town Attorney and to be prepared and distributed in accordance with Section 9-

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369b of the General Statutes of Connecticut, Revision of 1958, as amended.

Staff members Curt Vincente, Gregory Padick, Cherie Trahan and Open Space Committee Chair Jim Morrow were available to answer Council members' questions. In response to a previously asked question, Ms. Trahan, Director of Finance, stated that since the previously approved bonds were never issued no cost were incurred by the Town.

Mr. Nesbitt suggested that the bonded money should also be available for spending on improvements to the properties and moved to amend the resolutions to read as follows:

RESOLUTION APPROPRIATING \$1,052,450 FOR ACQUISITION OF LAND OR INTERESTS THEREIN FOR OPEN SPACE, MUNICIPAL, OR PASSIVE OR ACTIVE RECREATIONAL USES AND FOR IMPROVEMENTS TO LAND CURRENTLY OWNED BY THE TOWN OR TO BE ACQUIRED BY THE TOWN FOR SUCH PURPOSES, AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate ONE MILLION FIVE-TWO THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$1,052,450) for costs related to: (1) the acquisition by the Town of one or more parcels of land or interests therein for open space, municipal, or passive or active recreational uses, or any combination thereof, after referral of any such proposed acquisition to the Planning and Zoning Commission of the Town for review pursuant to Section 8-24 of the Connecticut General Statutes, Revision of 1958, as amended, and approval by the Town Council following a public hearing held on not less than five days' published notice, and (2) improvements, as to be determined by the Town Council, to any parcel of land currently owned by the Town or acquired by the Town pursuant to this resolution for such uses, or any combination thereof, after referral of any such improvement to the Planning and Zoning Commission of the Town for review pursuant to Section 8-24 of said Connecticut General Statutes. The appropriation may be spent for survey fees, feasibility and planning studies related to potential acquisitions, design, construction, acquisition, installation, material and equipment costs related to such improvements, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

(b) That the Town issue its bonds or notes, in an amount not to exceed ONE MILLION FIVE-TWO THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$1,052,450) to finance the appropriation for the project. The amount of bonds or notes authorized shall be reduced by the amount of grants received by the Town for the project to the extent that such grants are not separately appropriated to

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pay additional project costs. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(c) That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed ONE MILLION FIVE-TWO THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$1,052,450). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes or temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or temporary notes. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds, notes or temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or temporary notes to provide for the keeping of a record of the bonds, notes or temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or temporary notes; to sell the bonds, notes or temporary notes at public or private sale; to deliver the bonds, notes or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or temporary notes.

(e) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or temporary notes authorized by this

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resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(f) That the Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or temporary notes authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes or temporary notes.

(g) That the Town Manager, the Director of Finance, the Treasurer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the projects and to issue bonds or notes and temporary notes and obtain grants, if available, to finance the aforesaid appropriation.

RESOLUTION ESTABLISHING REFERENDUM ON ACQUISITION OF LAND FOR OPEN SPACE, MUNICIPAL, OR PASSIVE OR ACTIVE RECREATIONAL USES.

RESOLVED,

(a) That pursuant to Sections 406 and 407 of the Town Charter the resolution adopted by the Council under Item 6 of this meeting, appropriating \$1,052,450 for acquisition of land or interests therein for open space, municipal, or passive or active recreational uses and for improvements to any parcel of land currently owned by the Town or acquired by the Town pursuant to the resolution for such uses, and authorizing the issue of bonds and notes and temporary notes to finance the appropriation, shall be submitted to the voters at referendum to be held on Tuesday, November 3, 2009 in conjunction with the election to be held on that date, in the manner provided by said Charter and the Connecticut General Statutes, Revision of 1958, as amended, including the procedures set out in Section 9-369d(b)(2) of said Statutes, and in accordance with "Ordinance Regarding the Right of Voters Who Are Not Electors to Vote at Referenda Held in Conjunction with an Election", adopted by the Mansfield Town Council on August 25, 1997.

(b) That the aforesaid resolution shall be placed upon the paper ballots or voting machines under the following heading:

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THE TOWN FOR SUCH PURPOSES, AND AUTHORIZE THE
ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO
DEFRAY SAID APPROPRIATION?"

Voters approving the resolution will vote "Yes" and those opposing said resolution shall vote "No".

- (e) That the Town Clerk shall publish notice of such referendum vote as part of the notice of the election to be held on November 3, 2009. Absentee ballots will be available from the Town Clerk's office.
- (f) That, in their discretion, the Town Clerk is authorized to prepare a concise explanatory text regarding the resolution and the Town Manager is authorized to prepare additional explanatory materials regarding the resolution, such text and explanatory material to be subject to the approval of the Town Attorney and to be prepared and distributed in accordance with Section 9-369b of the General Statutes of Connecticut, Revision of 1958, as amended.

The move to amend the resolutions was seconded by Mr. Paulhus.

Council members discussed whether or not open space money should be used for improvements to Town-owned properties, what types of improvements could be covered by this resolution and what safeguards are built into the system to allow for public input. Some Council members were concerned that this addition would exert significant pressure on future Councils to use this money for improvements not previously considered with open space money while other thought the addition would provide more flexibility for future Councils.

The motion to amend the proposed resolutions passed with Ms. Lindsey, Mr. Nesbitt, Ms. Paterson and Mr. Paulhus in favor and Ms. Koehn and Mr. Haddad in opposition.

The motion to approve the resolutions as amended passed with Ms. Lindsey, Mr. Nesbitt, Ms. Paterson and Mr. Paulhus in favor and Ms. Koehn and Mr. Haddad in opposition.

Town Manager Matthew Hart stated that the Council should have been apprised that the previous bonding authorization for open space was about to expire. Internal mechanisms have been put in place to assure notice of such deadlines will be communicated.

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7. Bond Issue – Public Works Projects

Mr. Haddad moved and Mr. Paulhus seconded a motion to approve the following resolution:

RESOLUTION APPROPRIATING \$3,093,840 FOR REPLACEMENT OF THE STONE MILL ROAD AND LAUREL LANE BRIDGES AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate THREE MILLION NINETY-THREE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$3,093,840) for costs related to the design, construction and inspection of replacements to the Stone Mill Road and Laurel Lane bridges. The project is contemplated to be completed substantially in accordance with the plans entitled “Replacement of Bridge No. 04731 Stone Mill Road Over Fenton River” and the plans entitled “Replacement of Bridge No. 05366 Laurel Lane over Mount Hope River”, prepared by GM2 Associates, Inc. The appropriation may be spent for design, construction and inspection of construction costs, materials, engineering fees, survey fees, construction management costs, permits, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Town Council is authorized to determine the scope and particulars of the project and may reduce or modify the scope of the project; and the entire appropriation may be spent on the project as so reduced or modified. The Town anticipates receiving Federal bridge project grants of eighty percent (80%) of the eligible project cost to defray in part the appropriation.

(b) That the Town issue its bonds or notes, in an amount not to exceed THREE MILLION NINETY-THREE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$3,093,840) to finance the appropriation for the project. The amount of bonds or notes authorized shall be reduced by the amount of grants received by the Town for the project to the extent that such grants are not separately appropriated to pay additional project costs. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(c) That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed THREE MILLION NINETY-THREE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$3,093,840). The notes shall be issued pursuant to Section 7-378 of the General Statutes of

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Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes or temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or temporary notes. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds, notes or temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or temporary notes to provide for the keeping of a record of the bonds, notes or temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or temporary notes; to sell the bonds, notes or temporary notes at public or private sale; to deliver the bonds, notes or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or temporary notes.

(e) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(f) That the Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or temporary notes authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes or temporary notes.

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(g) That the Town Manager, the Director of Finance, the Treasurer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and temporary notes and obtain grants, if available, to finance the aforesaid appropriation.

The motion to approve the resolution passed unanimously.

Mr. Haddad moved and Mr. Paulhus seconded to approve the following resolution:

RESOLUTION APPROPRIATING \$105,250 FOR CONSTRUCTION OF THE HUNTING LODGE ROAD BIKEWAY/WALKWAY AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate ONE HUNDRED FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$105,250) for costs related to the construction of the Hunting Lodge Road Bikeway/Walkway. The project is contemplated to be completed substantially in accordance with the plans entitled "Hunting Lodge Road Pedestrian/Bikeway" prepared by the Town of Mansfield Department of Public Works dated revised October, 2008. The appropriation may be spent for construction and inspection of construction costs, materials, construction management costs, permits, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Town Council is authorized to determine the scope and particulars of the project and may reduce or modify the scope of the project; and the entire appropriation may be spent on the project as so reduced or modified.

(b) That the Town issue its bonds or notes, in an amount not to exceed ONE HUNDRED FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$105,250) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(c) That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed ONE HUNDRED FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$105,250). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of

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Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes or temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or temporary notes. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds, notes or temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or temporary notes to provide for the keeping of a record of the bonds, notes or temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or temporary notes; to sell the bonds, notes or temporary notes at public or private sale; to deliver the bonds, notes or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or temporary notes.

(e) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(f) That the Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or temporary notes authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes or temporary notes.

(g) That the Town Manager, the Director of Finance, the Treasurer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and temporary notes and obtain grants, if available, to finance the aforesaid appropriation.

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The motion to approve the resolution passed unanimously.

Mr. Haddad moved and Mr. Paulhus seconded to approve the following resolution:

RESOLUTION APPROPRIATING \$263,130 FOR CONSTRUCTION OF A SALT STORAGE SHED TO BE LOCATED AT THE MANSFIELD PUBLIC WORKS DEPARTMENT COMPLEX AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate TWO HUNDRED SIXTY-THREE THOUSAND ONE HUNDRED THIRTY DOLLARS (\$263,130) for costs related to the construction of a salt storage shed to be located at the Mansfield Public Works Department complex, 230 Clover Mill Road in Mansfield. The project is contemplated to be for a salt storage area capable of storing approximately 2,000 tons of deicing materials and sand/aggregate mixtures. The appropriation may be spent for design, construction of concrete floors, walls, electrical, lighting, doors and other appurtenances as well as site work consisting of demolition, excavation, grading, forming, paving, drainage, retaining walls, knee walls, foundations, footings and sealing as well as inspection of construction costs, materials testing, construction management costs, permits, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Town Council is authorized to determine the scope and particulars of the project and may reduce or modify the scope of the project; and the entire appropriation may be spent on the project as so reduced or modified.

(b) That the Town issue its bonds or notes, in an amount not to exceed TWO HUNDRED SIXTY-THREE THOUSAND ONE HUNDRED THIRTY DOLLARS (\$263,130) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(c) That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed TWO HUNDRED SIXTY-THREE THOUSAND ONE HUNDRED THIRTY DOLLARS (\$263,130). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the

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provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes or temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or temporary notes. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds, notes or temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or temporary notes to provide for the keeping of a record of the bonds, notes or temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or temporary notes; to sell the bonds, notes or temporary notes at public or private sale; to deliver the bonds, notes or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or temporary notes.

(e) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(f) That the Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or temporary notes authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes or temporary notes.

(g) That the Town Manager, the Director of Finance, the Treasurer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and temporary notes and obtain grants, if available, to finance the aforesaid appropriation.

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Motion to approve the resolution passed unanimously.

Mr. Haddad moved and Mr. Paulhus seconded to approve the following resolution:

RESOLUTION ESTABLISHING REFERENDUM ON THE REPLACEMENT OF THE STONE MILL ROAD AND LAUREL LANE BRIDGES IN MANSFIELD.

RESOLVED,

(a) That pursuant to Sections 406 and 407 of the Town Charter the resolution adopted by the Council under Item 7 of this meeting, appropriating \$3,093,840 for costs related to the design, construction and inspection of replacements to the Stone Mill Road and Laurel Lane bridges and authorizing the issue of bonds and notes and temporary notes to finance the appropriation, shall be submitted to the voters at referendum to be held on Tuesday, November 3, 2009 in conjunction with the election to be held on that date, in the manner provided by said Charter and the Connecticut General Statutes, Revision of 1958, as amended, including the procedures set out in Section 9-369d(b)(2) of said Statutes, and in accordance with "Ordinance Regarding the Right of Voters Who Are Not Electors to Vote at Referenda Held in Conjunction with an Election", adopted by the Mansfield Town Council on August 25, 1997.

(b) That the aforesaid resolution shall be placed upon the paper ballots or voting machines under the following heading:

"SHALL THE TOWN OF MANSFIELD APPROPRIATE \$3,093,840 FOR REPLACEMENT OF THE STONE MILL ROAD AND LAUREL LANE BRIDGES AND AUTHORIZE THE ISSUE OF BONDS AND NOTES TO DEFRAY THE PORTION OF SAID APPROPRIATION NOT FUNDED FROM GRANTS?"

Voters approving the resolution will vote "Yes" and those opposing said resolution shall vote "No".

(c) That the Town Clerk shall publish notice of such referendum vote as part of the notice of the election to be held on November 3, 2009. Absentee ballots will be available from the Town Clerk's office.

(d) That, in their discretion, the Town Clerk is authorized to prepare a concise explanatory text regarding the resolution and the Town Manager is authorized to prepare additional explanatory materials regarding the resolution, such text and explanatory material to be subject to the approval of the Town Attorney and to be prepared and distributed in accordance with Section 9-369b of the General Statutes of Connecticut, Revision of 1958, as amended.

Motion to approve passed unanimously.

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Mr. Haddad moved and Mr. Paulhus seconded to approve the following resolution:

RESOLUTION ESTABLISHING REFERENDUM ON THE CONSTRUCTION OF THE HUNTING LODGE ROAD BIKEWAY/WALKWAY

RESOLVED,

(a) That pursuant to Sections 406 and 407 of the Town Charter the resolution adopted by the Council under Item 7 of this meeting, appropriating \$105,250 for costs related to the design, construction and inspection of the Hunting Lodge Road Bikeway/Walkway and authorizing the issue of bonds and notes and temporary notes to finance the appropriation, shall be submitted to a Special Town Meeting to be held Monday, October 26, 2009 at 6:30 p.m., which Town Meeting the Town Council hereby authorizes the Mayor to call. The Town Council hereby designates said resolution for submission to the voters at referendum in the manner provided by Section 7-7 of the General Statutes of Connecticut, Revision of 1958, as amended, to be held on Tuesday, November 3, 2009 in conjunction with the election to be held on that date, in the manner provided by said Charter and said Connecticut General Statutes including the procedures set out in Section 9-369d(b)(2) of said Statutes, and in accordance with "Ordinance Regarding the Right of Voters Who Are Not Electors to Vote at Referenda Held in Conjunction with an Election", adopted by the Mansfield Town Council on August 25, 1997.

(b) That the aforesaid resolution shall be placed upon the paper ballots or voting machines under the following heading:

"SHALL THE TOWN OF MANSFIELD APPROPRIATE \$105,250 FOR CONSTRUCTION OF THE HUNTING LODGE ROAD BIKEWAY/WALKWAY AND AUTHORIZE THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION?"

Voters approving the resolution will vote "Yes" and those opposing said resolution shall vote "No".

(c) The Town Clerk shall publish notice of such referendum votes as part of the notice of the Special Town Meeting to be held on October 26, 2009 and of the election to be held on November 3, 2009. Absentee ballots will be available from the Town Clerk's office. Absentee ballots will be available from the Town Clerk's office.

(d) That, in their discretion, the Town Clerk is authorized to prepare a concise explanatory text regarding the resolution and the Town Manager is authorized to prepare additional explanatory materials regarding the resolution, such text and explanatory material to be subject to the approval of the Town

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Attorney and to be prepared and distributed in accordance with Section 9-369b of the General Statutes of Connecticut, Revision of 1958, as amended.

Motion to approve passed unanimously.

Mr. Haddad moved and Mr. Paulhus seconded to approve the following resolution:

RESOLUTION ESTABLISHING REFERENDUM ON THE CONSTRUCTION OF A SALT STORAGE SHED

RESOLVED,

(a) That pursuant to Sections 406 and 407 of the Town Charter the resolution adopted by the Council under Item 7 of this meeting, appropriating \$263,130 for costs related to the design, construction and inspection of a Salt Storage Shed and authorizing the issue of bonds and notes and temporary notes to finance the appropriation, shall be submitted to a Special Town Meeting to be held Monday, October 26, 2009 at 6:30 p.m., which Town Meeting the Town Council hereby authorizes the Mayor to call. The Town Council hereby designates said resolution for submission to the voters at referendum in the manner provided by Section 7-7 of the General Statutes of Connecticut, Revision of 1958, as amended, to be held on Tuesday, November 3, 2009 in conjunction with the election to be held on that date, in the manner provided by said Charter and said Connecticut General Statutes including the procedures set out in Section 9-369d(b)(2) of said Statutes, and in accordance with "Ordinance Regarding the Right of Voters Who Are Not Electors to Vote at Referenda Held in Conjunction with an Election", adopted by the Mansfield Town Council on August 25, 1997.

(b) That the aforesaid resolution shall be placed upon the paper ballots or voting machines under the following heading:

"SHALL THE TOWN OF MANSFIELD APPROPRIATE \$263,130 FOR CONSTRUCTION OF A SALT STORAGE SHED TO BE LOCATED AT THE MANSFIELD PUBLIC WORKS DEPARTMENT COMPLEX AND AUTHORIZE THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION?"

Voters approving the resolution will vote "Yes" and those opposing said resolution shall vote "No".

(c) The Town Clerk shall publish notice of such referendum votes as part of the notice of the Special Town Meeting to be held on October 26, 2009 and of the election to be held on November 3, 2009. Absentee ballots will be available from the Town Clerk's office. Absentee ballots will be available from the Town Clerk's office.

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(d) That, in their discretion, the Town Clerk is authorized to prepare a concise explanatory text regarding the resolution and the Town Manager is authorized to prepare additional explanatory materials regarding the resolution, such text and explanatory material to be subject to the approval of the Town Attorney and to be prepared and distributed in accordance with Section 9-369b of the General Statutes of Connecticut, Revision of 1958, as amended.

Motion to approve passed unanimously.

8. Birch Road Bikeway, Phase II

Mr. Paulhus moved and Mr. Nesbitt seconded, to schedule a public information session regarding Phase II of the Birch Road Bikeway Project, for 7:00 PM on September 28, 2009.

Motion passed unanimously.

9. 2009 Recreational Trails Program Grant

Mr. Haddad moved and Mr. Paulhus seconded effective August 24, 2009, to resolve to seek funds not to exceed \$29,500 from the Connecticut Department of Environmental Protection's Recreational Trails Program to improve wheelchair accessibility, trail linkage, educational, and physical activity opportunities at the Schoolhouse Brook Park/Bicentennial Pond Recreation Area.

Motion passed unanimously.

10. Amendment to Mansfield Park Rules and Regulations

Mr. Paulhus moved and Mr. Nesbitt seconded to schedule a public hearing for 7:30 p.m. at the Town Council's regular meeting on September 14, 2009, to solicit public comment regarding the proposed amendment to the Mansfield Code, Chapter A194: Park Rules and Regulations to allow for the location of a temporary program sponsorship signs/banners at the new Mansfield Skate Park.

Council members asked staff to be prepared to answer these questions. What is the skate park season? Which non-profit entity is referred to in the proposed changes? How are the previously approved regulations for banners at the ballpark being used and what other fund raising methods are the organization currently using?

Motion to set the public hearing passed unanimously.

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11. Connecticut Local JAG Recovery Grant

Mr. Paulhus moved and Mr. Haddad seconded to approve the following resolution:

RESOLVED that effective August 24, 2009, the Town Manager, Matthew Hart, is hereby certified to make, execute and approve on behalf of this municipality other instruments involved including the Recovery Act Connecticut Local Pass-Through Justice Assistance Grant (CT Local JAG) Program.

Ms. Koehn questioned the need for shotguns in the Town of Mansfield.

Motion passed will all in favor except for Ms. Koehn who was in opposition.

12. Proclamation Recognizing September as Leukemia, Lymphoma & Myeloma Awareness Month

Mr. Haddad moved and Mr. Nesbitt seconded, effective August 24, 2009, to authorize the Mayor to issue the attached Proclamation Recognizing September as Leukemia, Lymphoma & Myeloma Awareness Month

Motion passed unanimously.

12a. Analysis of Open Space Property

Mr. Nesbitt moved and Mr. Paulhus seconded to direct the Town Manager to conduct an analysis for the current town-owned properties acquired through the Open Space Program; said analysis to include estimated cost of maintenance; any projected improvements and the estimated usage for the individual or groups of parcels as applicable.

Mr. Paulhus left at 10:35 p.m.

Ms. Koehn moved to amend the motion to read:

The Town Council requests the Town Manager conduct an analysis for the current town-owned properties acquired through the Open Space Program; said analysis to include estimated cost of maintenance and any projected improvements.

Mr. Haddad seconded the amendment.

Council members discussed the validity of the information to be provided to voters given that the analysis is based on the previous

resolution to approve bonding for open space and not the approved resolution which included the possibility of expending money on improvements to parcels acquired with bonded funds. Some members felt that the information to be provided to the public with this analysis shows the long term maintenance cost for only one of the categories authorized by the bonding authorization even when the Town has the experience to provide voters with the information for all of the possible uses of the bonding money. Other members expressed the opinion that information from this analysis would be valuable to voters.

The motion to amend failed with Mr. Nesbitt and Ms. Lindsey voting aye and Mr. Haddad, Ms. Koehn and Ms. Paterson voting nay.

Ms. Lindsey moved to table the motion, seconded by Mr. Nesbitt the motion passed.

VII. DEPARTMENTAL AND COMMITTEE REPORTS
No Reports

VIII. REPORTS OF COUNCIL COMMITTEES

Mr. Haddad, Chair of the Personnel Committee, reminded Council members to submit their Town Manager evaluations. Mr. Haddad stated that the plan is to have a new agreement in place prior to the expiration of the first, but to make sure all situations are covered Mr. Haddad presented the following resolution for approval:
Whereas, the initial term of the Town Manager Employment Agreement between the Town of Mansfield and Town Manager Matthew W. Hart ends on November 30, 2009; and
Whereas, said Agreement permits the Town of Mansfield to negotiate a successor Agreement if it provides notice to the Town Manager at least (3) months before November 30, 2009:
Now therefore, be it resolved that the Town Council of the Town of Mansfield hereby reserves its authority to negotiate a successor Employment Agreement with Town Manager Matthew W. Hart, and directs the Town Clerk to provide official notice of this resolution to the Town Manager, forthwith.

Seconded by Mr. Nesbitt the motion passed unanimously.

IX. REPORTS OF COUNCIL MEMBERS
No Reports

X. PETITIONS, REQUEST AND COMMUNICATIONS

13. M. Hart re: reappointments
14. M. Hart re: Mansfield Public Library Toddler Time Program
15. L. Hultgren re: Design Build Questions – 1st Parking Garage
16. R. Miller re: 2009 (H1N1) Influenza A – Board of Directors Update
17. R. Miller re: Novel 2009 H1N1 Influenza Update for School Officials
18. D. O'Brien re: Annual Town Meeting
19. E. Paterson re: Draft Regional Planning Commission
20. Resolution to establish and issue charge to an advisory committee for the Four Corners Sewer Planning project
21. Celebrate Mansfield Weekend
22. Metro Hartford Alliance re: Presentation to Town Council
23. Chronicle "Council creates downtown committee" – 08-11-09
24. Chronicle "Hartford group makes pitch for Mansfield" – 08-17-09
25. Chronicle "Mansfield Council endorses youth plan" – 08-13-09
26. Chronicle "Mansfield plan aims to make all children healthy" – 08-07-09
27. Chronicle "Town debates volunteer driver use" – 08-15-09
28. Chronicle "UConn, Mansfield dam gets federal funds" – 08-07-09
29. Governing "Bidding Boards Goodbye" – August 2009
30. Mansfield Today "Council creates advisory committee on Storrs..." – 08-19-09
31. Mansfield Today "Council endorses plan to improve lives..." – 08-14-09
32. Mansfield Today "Mansfield courted by Hartford-based..." – 08-17-09
33. Mansfield Today "UConn, Mansfield dam get federal funds" – 08-11-09

XI. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Ric Hossack, Middle Turnpike spoke against the purchase of shotguns provided for in the Local JAG Recovery Grant and apologized for his outburst during that discussion. He also feels that 2 sound meters is more than sufficient and would prefer the money be spent on education. Mr. Hossack commented that the changes made to the

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open space bonding authorization significantly change the purpose of the fund.

Betty Wassmundt, Old Turnpike Road, stated she isn't sure whether the changes to the open space bonding authorization are positive or not. She also stated that the open space analysis should be applied to all town-owned parcels in Town.

XIII. FUTURE AGENDAS

Ms. Koehn requested the charge for the Four Corner Sewer Advisory Committee be scheduled for discussion at an upcoming meeting.

XII. ADJOURNMENT

Ms. Koehn moved and Ms. Lindsey seconded to adjourn the meeting at 11:15 p.m.

Motion passed unanimously.

Elizabeth C Paterson, Mayor
Clerk

Mary Stanton, Town

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